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JAN 28 2005

**OFFICE OF PETITIONS**

In re Application of	:	
Awele Ndili	:	
Application No. 09/686,125	:	DECISION DISMISSING PETITION
Filed: October 10, 2000	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 24286-705	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on November 4, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of a prior-filed nonprovisional application.

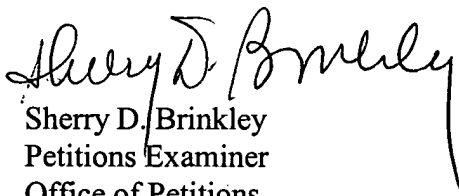
The petition is **DISMISSED** as moot.

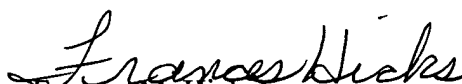
The instant application was filed on October 10, 2000. A petition under 37 CFR 1.78(a)(3) for acceptance of a delayed claim for priority under 35 U.S.C. § 120 is only applicable to those applications filed on or after November 29, 2000. See MPEP Section 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,370 surcharge fee submitted will be refunded to petitioner's Deposit Account No. 23-2415.

Any inquiries concerning this decision may be directed to the undersigned at (571) 292-3204.

This matter is being referred to Technology Center AU 2142 for consideration of the amendment filed November 4, 2004 under the provisions of 37 CFR 1.312.

  
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